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of Kansas, in upholding the jurisdiction of the probate court, held that such a contention would require it to assume that the Legislature attached more importance to an authenticated copy of a will than to the original instrument itself; that the real purpose of the Legislature in passing the statute was to enlarge, not to restrain, the jurisdiction of the probate court; and that it was only the difficulty which was often met with of procuring the original will after it was probated in the courts of the domicile of the testator that led the Legislature to pass statutes authorizing copies of wills and their probate in foreign countries or states to be recorded and to have the same effect as the original. See note to *Bryan v. Nash*, 15 Va. Law Reg. 928.

Waiver of Right to Damages by Joining Railroad Relief Department.

—It was held by the United States Circuit Court of Appeals for the Fourth Circuit in *Day v. Atlantic Coast Line R. Co.* (decided April 16, 1910), that an employee by becoming a member of the relief department of a railroad company does not in any manner waive the right of action secured to him by § 162 of the Virginia Constitution abolishing the fellow servant rule. The court said, after review of the cases, that "the basis upon which all of the decisions rest is, that, by becoming a member of the relief department the employee does not waive, or contract against liability for damages for an injury sustained by the negligence of the employee. That, after sustaining the injury, he is free to maintain an action for damages without regard to his being a member of the department. That he is entitled to the benefits secured by membership without regard to negligence or legal liability of the employer. That when he elects to take such benefits he releases, and not until then, the employer from other or further liability."

Finality of Order Sustaining a Demurrer.—It was decided by the United States Circuit Court of Appeals for the Fourth Circuit in *Dickinson v. Sunday Creek Company* (April 14, 1910), that an order sustaining a demurrer to a declaration but with leave to amend, was not a final, appealable judgment although the plaintiff does not avail himself of the privilege extended to him by the court of filing an amended declaration within the time limited, but the case remained on the docket for further proceedings, and it is within the power of the court even after the time for amendment expired, exercising its discretion for sufficient cause, to further extend the time for an amended declaration to be filed. And although the plaintiff failed or refused to file his amended pleading after the entry of the order in question within the time prescribed, yet the order is not self executing and final, but an order dismissing the case is necessary to finally dispose of it.